

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN-DIVISION

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2020 JUL 13 10:29

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CLERK
U.S. DISTRICT COURT
N.D. OF ALABAMA

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2020 JUL 9 P 12:22

U.S. DISTRICT COURT
N.D. OF ALABAMA

Civil Action No.2:19-cv-1090-RAH

Adonis McGhee

Plaintiff,

V.

Jefferson Dunn, et al.,

Defendants

MOTION TO COMPEL DISCLOSURE

Comes now the Plaintiff, Adonis McGhee, pro'se, and moves this Hon. Court, pursuant to Rule 37 (a) (4), of the F.R.Civ.P., to issue an order upon the defendants to complete the discovery issued by this Court, based on the following reasons:

1. On or about May 25,2020, plaintiff filed a motion for discovery, upon the Court & defendants, requesting for information as to the identity of the five (5) John Doe's, who are defendant's in this matter.

2. Murphy filed a motion for an extension of time to reply to the discovery.

3. On or about June 15,2020, this Court granted Murphy an extension of time from June 21,to July 12,2020 to produce the following information:

(i) a certified copy of any incident report prepared regarding the use of a chemical spray against the plaintiff by defendant Murphy on Dec 6,2019;

(ii) a copy of the duty roster and photographs, if available, of the officers on duty at Staton Corr, Fac., who could have responded to a call for assistance with the plaintiff on Dec 6, 2019, including the officer assigned to the inmate Control System Office, at the time the chemical agent was used on the plaintiff;

(iii) a response from defendant Murphy to the plaintiff's request for the identities of those officers who responded to his call for assistance at the time of the incident challenged in the complaint.

4. On or about June 19, 2020, defendant, (Murphy), did file his response to the Courts order (DOC.48), by supplying plaintiff with an evasive or incomplete "1st shift duty roster, 1st shift duty post log, & photographs"

The 1st shift duty roster list for Dec 6, 2019, has a total of Thirty-Three officer's at work, that signed in at 6:00 am thru 2:00 p.m., but only ten (10) photograph's produced. See: Exhibit L. pg. 1 of 3.

The 1st shift duty post log for Dec 6, 2019, starts at 10:05 am instead of 6:00 am, and only shows a total of twelve (12) officer's on post, at various places in the prison. Seven of those officers, are not even on the 1st shift duty roster as signed in on Dec 6, 2019 from 6 am thru 2pm said names consist of:

1. Jamie Longmire, 2 Travis Ivey, 3 Derrick Hines,
4. Latoya Bogan, 5, Kimberly Walker, 6. Claude Hildreth
7. Eric Duncan. See: exhibit L. pg. 2 of 3

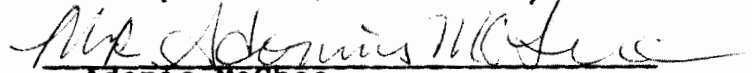
5. Plaintiff contends that defendant has failed to produce, and acknowledge the officer assigned to the Inmate Control System Office, at the time the chemical agent was used on him.

Further, plaintiff has failed to produce a photograph of Sgt. Kingston Bennette, in order for plaintiff to identify him, as one of the officer's who stood by and allowed & watched Murphy assault him.

6. Plaintiff contends, that in order for him to accurately amend his complaint, on or before July 8,2020, he is in need of accurate information,that defendant is withholding.There's no way he can describe the five (5) John Doe's,if the information defendant submitted is inaccurate.

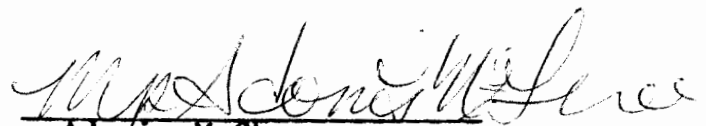
Based on the foregoing, plaintiff prays this motion to compel discovery/disclosure is granted.

Respectfully Submitted,


Adonis McGhee

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the motion to compel, upon the defendant,through atty of record Bettie J. Carmack,by placing the same in the Institutional Internal Mailing System postage prepaid and properly addressed this July 1st,2020


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U.S. DISTRICT COURT
Northern District of Alabama

To: Office of The Clerk
Hugo L. Black U.S. Courthouse
1729 5th Ave North
Birmingham, Al 35203

35203-200099

